

Government of India
Directorate General of Works
Central Public Works Department

No.DGW/CON/12

18 DEC 1987

New Delhi, dated .11.87

M E M O R A N D U M

Sub:- Registration under Contract Labour Act.

A copy of D.C. letter No.ND-95(2)/87-RLC, dated 9.9.87 together with its enclosures received from Shri D.P. Srivastava, Regional Labour Commissioner(C), New Delhi addressed to DG(W) is sent herewith for immediate necessary action.

(This issues from File No.17(21)/87-A&C(DGW))

A. S. Sidhu

(A.S. Sidhu)
F.O. to D.G.(Works)

To

1. All CEs/SEs in CPWD (including Horticulture Directorate, Delhi Admn., and Arunachal Pradesh).
2. All SEs in CPWD (including Hort., Directorate, Delhi Admn. and Arunachal Pradesh).
3. F.O. to DDG(BW), Deptt. of Telecom., 6th Floor, Sanchar Bhavan, New Delhi-1.
4. CE(Civil) Construction Wing, AIR Samachar Bhawan, New Delhi.
5. SE-in-Charge, AIRMS, Ansari Nagar, New Delhi.
6. Engineer Member, DDA, Vikas Minar, New Delhi.
7. Director of Audit, CW&M, New Delhi.
8. Municipal Engineer, MCD, Town Hall, New Delhi.
9. Chief Technical Examiner, CV, New Delhi (3 copies).
10. Chief Engineer, Ministry of Development, FWD, Bhuttan.
11. Arbitration Cell, Ministry of Urban Development.
12. Director of Acco. & Works Audit Section Directorate of Accounts, Panaji, Goa.

Court No. 4
Item No. 3

Writ Petition No. 1179 of 1982

Labourers at Salal Project Vs. State of J&K.

Government of India
Office of the Manager(P&A)
Salal Hydro Electrical Project.
JYOTIPURAM(J&K)

No. P&A/P-IV/100(CL)/82/501

Dated 21.11.82

To :

The Company Secretary
NHPC Limited,
New Delhi-19

Subject:- Writ Petition

Kindly refer to your letter No. NH/Law/5/7
dated 18.11.82.

It is intimated that necessary instructions with regard to implementation of the Directions of the Hon'ble Supreme Court as contained in their orders against Writ Petition No. 1179 of 1982 have been issued to all the Engineers-in-charge registered as Principal Employers (a copy is enclosed as Annexure-A). This is in addition to various instructions issued in the past towards enforcement of Labour Laws especially with regards to payment of wages direct to workers. Copies of instructions issued in the past are also enclosed at Annexure-B for perusal. The Engineers-in-Charge in turn have issued appropriate instructions ~~xxxxxxxxxxxx~~ to their contractors. The copies of the instructions are enclosed in duplicate (at Annexure-C). In response to their instructions, the contractors have furnished their compliance reports which are enclosed as Annexure DI to D3.

It is also brought out that a meeting was held by the General Manager on 15th October, 1982 which was attended to by all the contractors and Engineers-in-Charge. In the said meeting the General Manager impressed upon the Engineers-in-Charge and contractors to implement the Labour Laws ~~scrupulously~~ scrupulously and he further warned them that any violation of such statutory provisions ~~xxx~~ shall be severely dealt with.

Encls:- As above

/
MANAGER(P&A)

Confidential

D.P. SRIVASTAVA

D.O. No. ND-95(2)/87-RLC

Regional Labour Commissioner(C)
B-Block, 2-E-3, Curzon Road
Barracks, New Delhi

Dated the 9th Sept. 1987

Dear Shri Harish Chandra,

I am to bring to your kind notice that a good number of Principal Employers(Executive Engineer, CPWD) are executing work through the contractors in the Union Territory of Delhi without having a valid Registration Certificate under the Contract Labour (Regulation & Abolition) Act, 1970. Similarly, the contractors who are executing work are also not having licences at all or they are without valid licences. This is likely to create complications in view of the ruling of Madras High Court. In this connection Salal Hydroelectric Project has issued suitable instructions/guidelines to the officers who are Principal Employers as well as to the contractors. A copy of the instructions alongwith other relevant papers are enclosed for your information.

2. I shall be grateful if you kindly issue suitable instructions to the concerned officers who have been declared Principal Employers by your office so that they can obtain Registration Certificate from Shri Ravindra Pushpad, Assistant Labour Commissioner(Central) Headquarters and in case the Registration Certificate needs amendment the same can be done as per the provisions of the Contract Labour (Regulation & Abolition) Act, 1970.

3. In this connection it is further submitted that the contractors may also not be allowed to execute work without obtaining licence else the complications, if created by the contractors will also raise problems for the principal Employers. I shall be obliged to discuss the matter personally with you on a date convenient to your goodself.

With kind regards,

Yours sincerely,

Sd/-

(D.P. SRIVASTAVA)

Shri Harish Chandra,
Director General of Works,
CPWD, New Delhi.

(15)

GOVERNMENT OF INDIA
OFFICE OF THE MANAGER(P&A)
SALAL HYDRO ELECTRIC PROJECT
JYOTIPURAM(J&K)

No. P&A/P-IV/100(GL)/82/439-500

Dated 20.11.82

MEMORANDUM

Instructions/Directions for proper implementation of Contract Labour(Regulation & Abolition) Act, 1970 specially with regard to payment of wages have been issued from time to time in the past. Now in a recent case, the Hon'ble Supreme Court vide its No. (Crl)1179 of 1982 dated 3.11.1982(copy enclosed) has directed to ensure payment of wages directly to the workders without any deductions and at the same time ensure that Sections 16 to 19 of the Contract Labour(Regulation & Abolition) Act, 1970 are complied with in letter and spirit.

Engineers-in-Charge are, therefore, directed to ensure the implementaion of the following provisions by having the contractors to observe the same scrupulously.

- (1) That the payment of wages to the contract Labour engaged directly by the contractors or through their sub-contractors/Agents/Khatedars should be made directly to the workmen at the end of a wage period without any deductions whatsoever except as is authorised statutorily. All such payments should be made in the presence of authorised representative of the Engineer-in-Charge who will endorse a certificate of payment on the wage bill.
- (2) Immediate compliance of the welfare provisions prescribed under Sections 16 to 29 of the Contract Labour(Regulation & Abolition) Act, 1970 pertaining to canteen facilities, Rest rooms, Drinking water facilities and first aid facilities by the contractors at their work sites as well as in the labour camps. A confirmation in this regard be communicated to this office.

Any failure to implement these provisions by the contractors and any negligence on the part of the Engineer-in-Charge will be dealt with severely.

A confirmation of the receipt of this communication may please be forwarded to this office.

Encl: As above

MANAGER(P&A)

Copy to:-

GOVERNMENT OF INDIA
OFFICE OF THE MANAGER(P&A)
SAIAL HYDRO ELECTRIC PROJECT
JYOTIPURAM(J&K)

No. P&A/P-IV/100(L)/82/46866-925

Dated 24.9.82

C I R C U L A R

Further to our Circular No. P&A/P-V/100(L)/82/40849-909 dated 21.8.1982, a number of complaints regarding non-payment of wages to the Labourers particularly to the Dadan(Orissa) labourers are being received from different quarters. Inspite of the instructions having been issued from time to time, it has been observed that due attention to the implementation of various provisions of the Contract Labour(Regulation & Abolition) Act, 1970 is not being paid by the field staff.

To avoid the recurrence of such complaints, it is impressed upon all the Executive Engineers especially those registered as Principal Employers and the Senior Managers/S.Es. to issue necessary instructions to their field staff to watch the implementation of the Act by the contractors and their sub-contractors with regard to the payment of wages which should be disbursed in the presence of the representative of the Executive Engineer concerned. It may also be ensured that wage payment is being made to the right person and it should not be made to the sub-contractors or his name Agent.

While processing the contractors bills for payments a certificate may be recorded therein by the representative of the Division in whose presence the Labour payment were disbursed to the effect that there is nothing outstanding towards the said contractor or sub-contractor on account of labour payments.

These instructions may strictly be adhered to so that such cases do not occur in future.

Sd/-
MANAGER(P&A)

Distribution :-

1. All Sr. Managers/Managers/S.Es.
2. All Dy. Managers/Executive Engineers/Asstt. Engineers.
3. Labour Officer, Govt. of J&K, Reasi- w.r.t. his letter No. IC/R/15/177-84 dated 2.9.82

(16)

GOVERNMENT OF INDIA
PERSONNEL & ADMINISTRATION WING
S.H.E.P. JYOTIPURAM(J&K)

No. P&A/P-IV/1006/82/40849-909

Dated 21.8.82

C I R C U L A R

The Contract Labour(Regulation & Abolition) Act, 1970 has since been enforced by the Ministry of Labour, Govt. of India to regulate the employment of contract labour in establishments both in the Public and Private Sectors and contains provisions for the welfare and safety of the labour employed by the contractors. As the said Act is applicable to Salal Hydro Electric Project also, a number of Divisions employing labour through contractors stand registered under the Act. As Principal Employers, every Executive Engineers registered as such, is legally bound to ensure implementation of the provisions of this Act by the contractors relating to working conditions, payment of wages health and safety and other welfare amenities for their labourers. Instructions to all the Divisions and Circles have been issued from time to time with detailed description of various responsibilities to be carried out by the field staff. In this connection, a reference is invited to this office No. SE/CC-II/LO/77/963-75 dated 3.5.1977 and SE/ATC/II/1/78/576-1020 dated 14.11.79, whereunder those details were given with the request that proper implementation of the Act should be ensured.

In spite of these instructions having been issued from time to time, it has been observed that due attention to the implementation of various provisions of the Act is not being paid by the field staff with the result that a number of officers of the project have been given notices by the Labour Enforcement Machinery of the Ministry of Labour, Govt. of India even upto the rank of Chief Labour Commissioner proposing therein to initiate proceedings of the said act and rules made thereunder. The Corporate office has taken a serious view of the matter and has desired proper attention of all the Divisions/Circles Heads for the implementation of all the provisions of the Act in full, so that such cases of violation at the Project are avoided.

With these facts in view, it has once again impressed upon all the Executive Engineers especially those registered as Principal Employers and the Senior Managers/S.Es. to issue instructions to their field staff to watch the implementation of Act by the contractors especially with regard to the following:-

1. Working living conditions of the contract Labour.
2. Compensation etc.
3. Timely reporting of accidents fatal as well as non-fatal, involving contract labour, besides other provisions like registration/licensing of contractors etc.

Sd/-
MANAGER(P&A)

OFFICE OF THE SENIOR MANAGER,
POWER HOUSE COMPLEX, SHEP JYOTIPURAM.
182312

SM/PHCDB-42(F)/82/2537-39

Dated 20.11.82.

To,

M/S. M.P.C.C.
Salal Power House Work,
P.O. Reasi.

Sub:- Proper implementation of Contract Labour(Regulation & Abolition) Act, 1970.

Dear Sir,

Please ensure strict implementation of the following provisions of the Contract Labour (Regulation & Abolition) Act, 1970.

1. Payment of wages to the Contract Labour engaged directly by your agency or through your sub-contractors or Agents or Khatedars shall be made by you directly to the workmen at the end of a wage period without any deduction whatsoever except as is authorised statutorily. All such payments shall be made in the presence of authorised representatives of the Engineer-in-Charge who will endorse a certificate of payment on the wage bill.
2. Welfare provisions prescribed under Section 16 to 19 of the Contract Labour(Regulation & Abolition) Act, 1970 pertaining to canteen facilities, Rest Rooms, drinking water facilities, latrines and urinals, washing facilities and First Aid facilities by your agency at your work site as well as in the labour camps, shall be provided and established immediately. A confirmation in this regard be communicated to this office.

It may be noted that failure to implement these provisions by you and any negligence regarding these provisions shall be dealt with severely.

Please acknowledge receipt of these instructions.

Yours faithfully,

Sd/-
SENIOR MANAGER
POWER HOUSE COMPLEX

For Engineer-in-Charge, P.H.Work.

CC/:

1. Manager(P&A) SHEP J/Puran for information. This refers to his letter No. P&A/P-IV/10(CLO)/82/439-500 dt. 20.11.82. A copy of acknowledgement regarding receipt of instructions as above by M/S NPCC is enclosed as required.
2. KEM Power House, Dn. J/Puran for information. The instructions have been issued by M/S NPCC by the Sr. Manager in his absence due to emergency.

- 7/ Every Registered Principal Employer(Executive Engineer) shall nominate a representative to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages by contractor to his workmen.
- 8/ Similarly it shall be the duty of contractor to ensure the disbursement of wages in the presence of the authorised representative of the Principal Employer.
- 9/ In case the contractor fails to make payment of wages within the prescribed period or makes short payment then the Principal Employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be to the Contract labour employed by the Contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the Contractor.

It is further requested that necessary directions to the contractors be issued so that they are made to abide by the legal requirement laid down by the said Act without causing any embarrassment to the concerned Principal Employer.

Yours faithfully,

Sd/- (K.R.RAINA)
LABOUR OFFICER
SALAL CIVIL CONSTRUCTION
CIRCLE NO II, JYOTIPURAM.

GOVERNMENT OF INDIA
OFFICE OF THE SENIOR MANAGER
CONCRETE DAM PROJECT
JYOTIPURAM

18

No. SM/CDG/A-4/4/12162

Dated Nov.21, 82

The Manager(P&A)
Salal Hydro Electric Project,
Jyotipuram.

Sub: Labour Contract Regulation - Compliance to Supreme Court directives to ensure the payment of Wages.

Ref: Your letter No. P&A/PIV/100(CL)/82/439-500 dated 20.11.1982.

The receipt of memorandum No. 439-500 dated 20.11.1982 is hereby acknowledged. In this regard, parawise replies are as under:-

- (1) The payment of wages to the contract labour engaged directly by the contractors is being made by the contractors directly in presence of our representatives and necessary certificate recorded on the Master Roll of the Contractors.
- (2) The instructions of the Supreme Court in regard to compliance under Section 16 to 19 of Contract Labour(Regulation & Abolition) Act 1970 have been noted and will be got complied with by the contractors.

Sd/-
(Y.K.RAINA)
MANAGER(CIVIL)

No. TRD/AB-34/82/4241-45
Office of the Assistant Manager,
Salal Tail Race Division, Jyotipuran (J&K)
Dated 21/11/82

To

The Manager,
Salal P & A Wing,
Jyotipuran.

Sub; Labourers working on Salal Hydro Electric
Project.

Ref; Your Memo NO. P&A/P-IV/100(OL)/82/435-500
dated 20.11.1982

Sir,

The receipt of the Memorandum under reference is being confirmed and action has been taken accordingly.

In pursuance to your instructions/directions for proper implementation of Contract Labour Act in accordance with the Supreme Court directives, letter directing to the firm has been issued and compliance of the same as per para I & II of your memorandum has been reported by the firm as under:-

(1) The payments of wages to the labours engaged by the firm are being made directly to the workmen at the end of wage period without any deduction in presence of our authorised representative who has also endorsed a certificate of payment on the wage bill. The same practice will be continued in future also.

(2) The welfare provisions prescribed under Section 16 to 19 of the Contract Labour (Regulation and Abolition) Act 1970 pertaining to Canteen facilities, Rest rooms, Drinking water facilities, Latrin & Urinals, Washing facilities and First Aid facilities shall be complied with by the Contractor as confirmed by him. This will also be closely watched by the undersigned.

The compliance report of the firm with regard to the payment of Wages and welfare provisions are enclosed herewith in triplicate in favour of necessary action.

Encl;- As above.

Yours faithfully,
Sd/- B.B. Mukherjee
Assistant Manager.

Copy to:-

1. The Senior Manager, Power House Complex, Jyotipuran for information.

2. The Senior Project Manager, M/S Gammon India Ltd.
Site Office Gujjar Kothi, Talwara for information.

NATIONAL PROJECTS CONSTRUCTION CORPORATION
(A PUBLIC SECTOR ENTERPRISE)

Registered Office
Raja House 30-31, Nehru Place,
New Delhi - 19.

SALAL UNIT
P.O. Riasi
Distt: Udhampur
(J&K)
(Pin- 182311)

Ref. No. 4146

Dated 21.11.82

The Executive Engineer,
Power House Division,
Salal Hydro Electric Project,
Jyotipuram.

Sub:- Proper implementation of Contract Labour
(Regulation & Abolition) Act, 1970

Dear Sir,

Kindly refer letter No. SM/PHCDB-42(F)/82/2537-39
dated 20th instant of Senior Manager, Power House Complex

- (1) Noted. The payment shall be made in presence
of the Authorised Representative of N.P.C.C.
as well as Engineer-in-Charge.
- (2) Welfare provisions prescribed under Section
to 19 of the Contract Labour (Regulation and
Abolition) Act, 1970 shall be implemented.

Thanking you,

Yours faithfully,

Sd/- R.B. Misra
Zonal Manager

cc:

1. Manager(P&A), SHEP, Jyotipuram.
2. Senior Manager, Power House Complex, SHEP,

The firm should send a fortnightly report of

(1) The maintenance of welfare provisions prescribed in section 16 to 19 of the Contract Labour Act 1970.

(2) The payment of wages to the labour to be made in presence of the authorised representative of the Engineer-in -Charge as done earlier.

3. The Asstt. Engineer, (Adm) TRSD-III.) They should

4. The Asstt. Engineer, TRSD-I, Talwara) inspect the facilities provided by the firm for labour in the works sites aswell as in the labour camps and monthly report in Divisional Office. They should also witness the payment of wages as the authorised representative of the Engineer-in-Charge and endorsed ~~xx~~ a certificate on payment on the wage bill as usual. Any negligence on the part of the officer will be dealt with seriously.

Sd/- x x x
ASSISANT MANAGER.

The Hindustan Construction Co., Ltd.

Ref. Our No. HSD/PSD/o-4C/007140

Salal Dam Works,
Pavanpuram-182314
21st November 1982

The Senior Manager,
Concrete Dam Komplex,
Salal H.R. Project,
Jyotipuram.

Dear Sir,

Reg: Compliance to Supreme Court directives to
ensure the payment of wages directly to
Contract Labourers.

Ref: Your letter No. SM/CDC/A-1/4/12155 dt. 20.11.82.

With reference to your letter on the above subject,
we have to submit as under:-

Ref. Para 1: That the payment of wages to the Contract Labour
engaged directly by us and through our Piece Worker's is being
made directly to the workers. These payments are also being
witnessed by authorised representative of the Principal Employer
as well as Central and State Labour Enforcement Machinery.

As a check back, Assistant Labour Commissioner(C) had
also personally supervised our system of direct payment of wages
on 8th and 9th November, 1982 of Fortnight ending 31.10.82 and
he was overall satisfied.

Ref. Para 2: It is confirmed that we are generally complying
with the provisions of Section 16 to 19 of the Contract Labour
(Regulation & Abolition) Act, 1970 and the Central Rules
framed thereunder, except the proper Canteen facilities which
shall be fully provided within a fortnight.

Thanking you,

Yours faithfully,
For The Hindustan Construction Co., Ltd.

Sd/- R.V. Datya
For Divisional Manager(M)

ten

ccto: The Manager(C), Salal H.E. Project, Jyotipuram.

cc to: E.I.C.- for early completion./M.F.

STRT/38/3013/82

21.11.1982.

The Assistant Manager,
Tail Race Division,
Salal Hydro Electric Project,
Jyotipuran(J&K)-182312.

Dear Sir,

Sub:- SALAL TAIL RACE TUNNEL

With reference to your letter No. TRO/DR-1-82/4232-34 dated 20.11.82, we hereby confirm that:-

1) The payment of wages are made directly to all labours engaged directly by us or by our Sub-Contractors at the end of wages period without any deduction and in the presence of the authorised representatives of the Principal Employer/Engineer-in-Charge and who is endorsing a certificate of payment on the Wage Bill. We assure you that in future also we shall make the payment of wages directly to all labourers engaged by us or by our Sub-Contractors at the end of wage period without any deduction in the presence of the authorised representative of the Principal Employer/Engineer-in-Charge and shall obtain a certificate of payment on the wage bill.

2) Regarding welfare provisions prescribed under Section 16 to 19 of the Contract Labour(Regulation & Abolition)Act,1970 we hereby confirm that we provide to all labours free accommodation supply free water and electricity. We have also provided Canteen facilities to all labours at our work sites. In addition to this we have also provided drinking water facilities, Latrine and Urinals, Washing facilities at our sites as well as in our Labour camps. The workmen are provided with residential rooms near work site, ~~restrooms are not required to be provided~~ and since their normal working is in the vicinity of work site, rest rooms are not required to be provided. Besides, workmen are rotated in all the shifts and they go to their residence on the close of their respective shifts. There is no night halt during shift duty hours. However, we have provided adequate rest rooms to all our workers at work sites. We provide free medical aid to all labour working with us or with our Sub-Contractors, besides we have sufficient first aid facilities at various working points as well as in the labour camps. All assistance are extended to any person who is ill till he recovers to resume normal duties.

We may confirm that we shall continue to comply with all these provision in future. Submitted for your information.

Thanking you and assuring you of our best services.

Yours faithfully,
For GAMMON INDIA LIMITED

Sd/- R.D.CHOPRA
Sr. Project Manager.

3

SALAL CIVIL CONSTRUCTION CIRCLE NO I
JYOTIPURAM

DATED THE, 25th May, 77

To

Office Copy
all Circles/Divisions

Subject: IMPLEMENTATION OF CONTRACT LABOUR(R&A)ACT, 1970.

Sir,

As a follow up action to the discussion held by the Regional Labour Commissioner(C) Kanpur on 19.4.77 and the subsequent instruction issued by the Chief Engineer, Salal H.E. Project vide his D.O. No. CESP/CC-13/10148-55 dated 21.4.77, No. CESP/CC-13/12269-78 dt. 13.5.77 and D.O.No. CESP/CC-13/12605-12 dt. 18.5.77 to the address of all the Superintending Engineers, following guidelines for the satisfactory implementation of the contract Labour (R&A)Act, 1970 by the Executive Engineers as Principal Employers as well as by the contractors as immediate employers, are subscribed here under for information and bserveance:--

- 1/ Every coverable Executive Engineer Registered under the Contract Labour(R&A)Act, 1970 has to maintain a Register of Contractors in Form XII, a specimen copy of which is enclosed.
- 2/ Every Registered Principal Employer(Executive Engineer) has to submit an annual return in Form XXV(in duplicate) to the Asst. Labour Commissioner(C) Chandigarh so as to reach him not later than the 15th Feb; following the end of the year to which it related. Specimen copy of the form is also enclosed.
- 3/ Every Registered Principal Employer(Executive Engineer) has to ensure that every contractor employing twenty or more workers on any day obtain a licence for such number of workers from the Asstt. Labour Commissioner, Chandigarh.
- 4/ Every Coverable contractor has to apply for the said licence in a prescribed application form No. IV, specimen copy of which is also enclosed.
- 5/ Every such application should accompany a certificate by the concerned Principal Employer(Executive Engineer) in Form V, specimen copy of which is also enclosed.
- 6/ Every Coverable contractor has to submit a half yearly return in Form XXIV(in duplicate) so as to reach the Licensing Officer(Asstt. Labour Commissioner (C) Chandigarh) not later than 30 days from the close of the half year.